HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19267 of 2006

Dated:25.09.2006

Between:

Avula Mallikarjuna Rao.

…Petitioner

and

The Collector and others.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19267 of 2006

ORDER:

The petitioner is a resident of Gammalapalem Village of Gudur Mandal in Nellore District. He alleges that his grandmother, Avula Krishnamma, bequeathed land admeasuring Acs.0.07 cents comprised in Survey No.1783/A2-1A situated at I.C.S.Road, Gudur Mandal, under registered Will dated 28.09.1988. His grandmother was allegedly assigned the land under proceedings dated 25.06.1980. The fifth respondent made a representation to the Joint Collector alleging that he purchased the selfsame property from respondents 3 and 4. So as to conduct enquiry, the second respondent entertained the complaint and issued a notice dated 02.09.2006 requiring the fifth respondent and the third respondent herein to appear before the Joint Collector on 16.09.2006. Having come to know about the enquiry, the petitioner, who is claiming the property under registered Will, filed an application/objection petition. He alleges that instead of taking up the objection petition, the second respondent adjourned the matter. The petitioner apprehends that the second respondent may decide the matter without taking up the objection petition filed by him.

At the stage of admission itself the learned Assistant Government Pleader for Revenue (Assignment) obtained instructions. He submits

that the land in Survey No.1783/A2-1A is not assigned land, and therefore, the application made by the petitioner under Section 4-B of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, has no application. This submission cannot be accepted. The limited relief sought in this Writ Petition is a direction to the second respondent to consider the objections made by the petitioner in the enquiry initiated by the second respondent on the complaint given by the fifth respondent. As the fifth respondent claims to have purchased the property from respondents 3 and 4 and the petitioner also claims the same property under a registered Will dated 28.09.1988 and codicil dated 10.10.1988, it would be proper for the second respondent to consider the objections made by the petitioner as and when the enquiry is conducted on the complaint of the fifth respondent. It shall be open to the petitioner to approach the Joint Collector with a copy of this order and participate in the enquiry.

The Writ Petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

25.09.2006
vs